

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Jonathan SANTORO and Katherine
SANTORO,

Plaintiffs,

v.

UNIQUE VACATIONS, INC., et al.,

Defendants.

Civ. No. 10-3281

MEMORANDUM OPINION

THOMPSON, U.S.D.J.

On January 21, 2015, Plaintiffs Jonathan and Katherine Santoro (“Plaintiffs”) submitted a Motion for Reconsideration of the Court’s Order of January 14, 2014. (Doc. No. 77).

Defendants Unique Vacations, Inc., and Sandals Resorts International, Ltd. (“Defendants”) oppose this motion. (Doc. 78). The Court has decided the motion based on the written submissions of the parties and without oral argument pursuant to Local Civil Rule 78.1(b). For the reasons stated below, the motion will be denied.

Motions for reconsideration should only be granted “to correct manifest errors of law or fact or to present newly discovered evidence,” and where (1) the controlling law has changed; (2) new evidence has surfaced; or (3) there is a need to correct a “clear error of law or prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (quoting *Max’s Seafood Café v. Quinteros*, 176 F.3d 669, 667 (3d Cir. 1999)). The basis of Plaintiffs’ motion is the decision by a Court in the Eastern District of New York, which recently allowed the plaintiffs in a factually similar situation, involving some of the same defendants and the same attorneys, to

amend their complaint to correct the name of a misnamed party. *See Perez v. Sandals Resorts, Int'l, Ltd.*, No. 11-cv-914, 2015 WL 94223 (E.D.N.Y. Jan. 7, 2015). While the *Perez* case is undoubtedly factually similar to this case, the legal issues presented there are not identical to those presented in this case; most notably, *Perez* does not involve New Jersey's fictitious party rule, N.J.R. 4:26-4, which was the foundation of the Court's decision on Plaintiffs' Motion to Amend. Accordingly, the *Perez* decision cannot be said to have changed the controlling law, presented new evidence, or to have brought to light a clear error of law, and so Plaintiffs' Motion for Reconsideration will be denied. An appropriate order will follow.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.